

M-08-361

LJF:WMP

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- against -

MICHAEL A. IVERY,
also known as
"Larry O'Neil Jones,"
"L.O.J." and
"Larry O'Nell Jones,"

AFFIDAVIT IN SUPPORT OF
REMOVAL TO THE SOUTHERN
DISTRICT OF FLORIDA

(Fed. R. Crim. P. 5(c))

Defendant.

- - - - - X

EASTERN DISTRICT OF NEW YORK, SS:

RICHARD KENNEDY, being duly sworn, deposes and says that he is a Special Agent with the United States Department of State Diplomatic Security Service ("DSS"), duly appointed according to law and acting as such.

Upon information and belief, on December 20, 2007, an arrest warrant was issued by the United States District Court for the Southern District of Florida, commanding the arrest of the defendant MICHAEL A. IVERY, also known as "Larry O'Neil Jones," "L.O.J." and "Larry O'Nell Jones," for willfully and knowingly making a false statement in an application for passport with the intent to induce and secure the issuance of a passport under the authority of the United States for his own use, in violation of Title 18, United States Code, Section 1542; falsely and willfully representing himself to be a citizen of the United States, in violation of Title 18, United States Code, Section 911; and knowingly and willfully making a false, fraudulent and fictitious

statement and representation as to a material fact, in violation of Title 18, United States Code, Section 1001(a)(2).

The source of your deponent's information and the grounds for his belief are as follows:

1. On December 20, 2007, an arrest warrant was issued by the United States District Court for the Southern District of Florida, commanding the arrest of the defendant MICHAEL A. IVERY, also known as "Larry O'Neil Jones," "L.O.J." and "Larry O'Neill Jones," who is charged by indictment for willfully and knowingly making a false statement in an application for passport with the intent to induce and secure the issuance of a passport under the authority of the United States for his own use, in violation of Title 18, United States Code, Section 1542; falsely and willfully representing himself to be a citizen of the United States, in violation of Title 18, United States Code, Section 911; and knowingly and willfully making a false, fraudulent and fictitious statement and representation as to a material fact, in violation of Title 18, United States Code, Section 1001(a)(2). The arrest warrant was issued following an indictment returned by a Grand Jury in that district. A copy of the arrest warrant and the indictment are attached hereto.

2. On or about April 11, 2008, the defendant arrived at John F. Kennedy International Airport, in Queens, New York, and was detained by Customs and Border Patrol officers when he presented his passport for inspection, and a routine examination revealed that there was an outstanding arrest warrant in his

name. Among other, Your Affiant examined the passport, which was issued by the country of Jamaica in the name of "Michael A. Ivery." The defendant also possessed a legal Permanent Resident Card in the name of "Michael A. Ivery." Moreover, the defendant confirmed, among other things, that he is "Michael A. Ivery."

4. It is the desire of the United States Attorney for the Southern District of Florida that the defendant MICHAEL A. IVERY, also known as "Larry O'Neil Jones," "L.O.J." and "Larry O'Nell Jones," be removed to that district for prosecution.

WHEREFORE, it is requested that the defendant MICHAEL A. IVERY, also known as "Larry O'Neil Jones," "L.O.J." and "Larry O'Nell Jones," be removed to the Southern District of Florida so that he may be dealt with according to law.

R. C. Kennedy 04/11/08
RICHARD KENNEDY
Special Agent
U.S. Department of State

Sworn to before me this
11th day of April, 2008

GE

UNITED STATES DISTRICT COURT

Southern

District of

Florida

UNITED STATES OF AMERICA

v. MICHAEL ANTHONY IVERY

WARRANT FOR ARREST

07-21001 CR-UNGARD

Case Number:

SAC-2007
GENERALTo: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest _____

MICHAEL ANTHONY IVERY

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

Indictment Information Complaint Order of court

Pretrial Release Probation Supervised Release Violation Notice
Violation Petition Violation Petition Violation

charging him or her with (brief description of offense)

false statement in an application for a passport, false claim of U.S. citizenship, and false statement to an agency within the Executive Branch of the United States

in violation of Title 18 United States Code, Section(s) 1542, 911 and 1001(a)(2)

Clarence Maddox

Name of Issuing Officer

Signature of Issuing Officer

Court Administrator/Clerk of Court

Title of Issuing Officer

Miami, Florida

Date and Location

		Certified to be a true and correct copy of the document on file Clarence Maddox, Clerk U. S. District Court Southern District of Florida	
		By	10/20/07
RETURN			
This warrant was received and executed with the arrest of the above-named individual at			
DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER		SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST			

DEC 20, 2007

CLARENCE MADDOX
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
07-21001-CR-UNGARO/O'SULLIVAN
CASE NO.

18 U.S.C. § 1542
18 U.S.C. § 911
18 U.S.C. § 1001(a)(2)

UNITED STATES OF AMERICA

vs.

MICHAEL ANTHONY IVERY,

Defendant.

INDICTMENT

The Grand Jury charges that:

COUNT 1

On or about July 2, 2004, in Miami-Dade County, in the Southern District of Florida, the defendant,

MICHAEL ANTHONY IVERY,

did willfully and knowingly make a false statement in an application for a passport with the intent to induce and secure the issuance of a passport under the authority of the United States for his own use, contrary to the laws regulating the issuance of passports and the rules prescribed pursuant to such laws, in that the defendant stated in said application that his name was "L.O.J." and that he was born in Miami, Florida, when in truth and in fact, and as the defendant then and there knew, his name was not "L.O.J.," and he was not born in Miami, Florida; in violation of Title 18, United States Code, Section 1542.

COUNT 2

On or about July 2, 2004, in Miami-Dade County, in the Southern District of Florida, the defendant,

MICHAEL ANTHONY IVERY,

an alien, did falsely and willfully represent himself to be a citizen of the United States, in that he presented a birth certificate from Florida as proof of his identity, in an attempt to induce and secure the issuance of a passport; in violation of Title 18, United States Code, Section 911.

COUNT 3

On or about July 2, 2004, in Miami-Dade County, in the Southern District of Florida, the defendant,

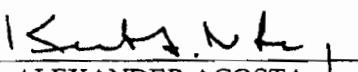
MICHAEL ANTHONY IVERY,

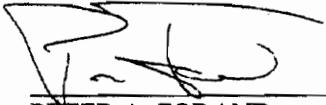
in a matter within the jurisdiction of the United States Department of State, a department of the executive branch of the Government of the United States, did knowingly and willfully make a false, fraudulent, and fictitious statement and representation as to a material fact, in that the defendant represented that his name was "L.O.J.," and that he

was born in Miami, Florida, when in truth and in fact, and as the defendant then and there well knew, his name was not "L.O.J." and he was not born in Miami, Florida; in violation of Title 18, United States Code, Section 1001(a)(2).

A TRUE BILL

FOREPERSON


R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY


PETER A. FORAND
ASSISTANT UNITED STATES ATTORNEY